

## **Australian Social Policy Conference 2007**

### **A Sustaining Tenancies Approach to Demanding Behaviour in Public Housing**

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#### **The Study**

##### *Objectives*

To provide good practice guidance to SHAs, and social housing providers more generally, in relation to a small group of tenants whose behaviour makes them difficult to manage and resource intensive. They are difficult because, while they engage in demanding behaviour and cause neighbour complaints and threatens their tenancy, it falls short of requiring a statutory response, such as criminal justice or mental health. Tenancy officers and housing managers are therefore placed in the difficult position of juggling the competing demands of the right of vulnerable tenants to appropriate housing and the statutory obligation of SHAs to ensure the 'quiet enjoyment' of their tenants to their premises.

##### *Researchers*

This study was undertaken in 2006 by Rowland Atkinson, Daphne Habibis, Paul Maginn, Terry Dunbar, Hazel Easthope and Dan Goss in 2006.

##### *Methods*

- A systematic review of the national and international literature.
- Interviews with social housing personnel working at levels of the organization across four States: NSW (Sydney), South Australia (Adelaide), Northern Territory (Darwin and Alice Springs, Tasmania (Launceston and Hobart) *Outputs*
- A Positioning Paper presenting the findings of the literature review
- A Good Practice Guide directed at staff working at all levels of social housing organisations
- A Research and Policy Bulletin

##### *The Guide*

- Divided into five parts
  - Understanding the Sustaining Tenancies Approach
  - Good Policy
  - Good Practice
  - Sustaining Indigenous Tenancies
  - Resources for Good Practice
- Case Studies
- Symbols  
Case study; research or practice note; resource implications; check list; informant quotes

##### *Policy Background*

The policy background is housing residualisation in which residents of social housing are increasingly drawn from vulnerable populations characterised by disadvantage and complex needs rather than just low income.

Since 1996 the number of priority and special needs allocations into public housing has increased from 17% to 49% (Heintjes 2006).

In NSW in 2004-5 over a third of applicants for public housing were single, another third were single parents and only 10 per cent were couples with children. Over a quarter of subsidized tenants were on the disability support pension, and nearly a third of household heads were over 65 years of age. (NSW Department of Housing Annual Report 2004-5, NSW Department of Housing, Sydney <http://www.housing.nsw.gov.au/About%20Us/Reports%20Plans%20and%20Papers/Annual%20Reports/2004-05>).

#### *Demanding Behaviour and High and Complex Need*

This change in the profile of public housing tenants means the role of SHAs is changing from one focused primarily on efficient housing management, to one concerned with sensitive and effective management of people and situations.

Sustaining a tenancy and managing the daily affairs of a household requires complex skills and competencies. These skills include meeting obligations to neighbours and neighbourhoods as well as budgeting and household maintenance. Tenants whose background or circumstances mean they lack these skills are vulnerable to tenancy failure, especially if neighbour complaints are involved in combination with rent arrears.

The groups that are vulnerable to tenancy failure include:

- Young people
- People with mental illness and/or addiction
- People with physical disabilities or ill health
- Single parents
- Large families
- Indigenous Australians

In Victoria it is estimated that each year between 2000 to 2500 public housing tenancies fall into this category, representing three to four per cent of all direct tenure public housing tenancies in the State (Victorian Government Department of Human Services 2006).

There is significant overlap between this profile and overseas research on the risk factors for demanding behaviour:

- A long history of substance abuse
- A history of family violence
- A history of physical or sexual abuse
- Mental health needs
- A physical or intellectual disability

- A history of State care (Randall and Brown 1999).

### *The Problem of Demanding Behaviour*

To suggest a sustaining tenancies approach should be employed in the management of demanding behaviour is not to deny that it is a problem.

- All SHAs have to work within Residential Tenancies legislation that requires them to ensure that their tenants do not act in a way which interferes with their neighbour's peaceful enjoyment of their premises.
- Managing demanding behaviour is time-intensive. In the UK it has been suggested that five per cent of tenants with demanding behaviour take up 20 per cent of housing management time (Scottish Executive 1999).
- Demanding behaviour can make life for neighbours uncomfortable or unbearable. Neighbours may move out rather than live with it, disrupting their lives and adding to the costs associated with tenancy turnover (EPIC et al 2000).
- Demanding behaviour can damage the reputation of a neighbourhood so that no one wants to live there. In more extreme cases it is associated with high levels of crime and a climate of fear and consequent falling property values.

Demanding behaviour is also problematic for the individuals who engage in it. It may involve habits and practices which affect physical or mental health. It may impact on other family members, for example, children or partners in situations of domestic violence. The safety of these tenants may also be threatened by the retaliatory actions of neighbours and other local residents. And if they are forced to vacate their home they are at high risk of homelessness.

### *The Other Side of Demanding Behaviour*

Claims of demanding behaviour may result from intolerance of difference. A study by Scott and Parkey found that motives for complaint included:

- Prejudice against public housing tenants
- Racism
- Lifestyle differences, e.g. sexual preference, single parents
- Cultural differences
- Being of a generally unhappy or intolerant nature (Scott & Parkey 1998:335).

Situational factors may also be the source of demanding behaviour including inappropriate allocations, or poor housing construction.

It is this complex mix of needs, motives, claims and legislative requirements that tenancy officers and their supervisors must manage on a daily basis and in situations of limited resources.

### *Responding to Demanding Behaviour: Disciplinary Responses*

SHAs are funded to provide housing assistance to people unable to access suitable alternative housing options. But what are the limits of their responsibilities, and how should they respond when anti-social behaviour is involved? What models of tenancy management should they draw on and what are the implications of these?

*Disciplinary Responses* involve requiring tenants to conform to normative standards of behaviour or lose their security of tenure. Measures under this type of response include:

- **Introductory, Probationary or Renewable Tenancies**

Introductory or probationary tenancies are short leases employed at the beginning of a tenancy which may be terminated, renewed or rolled over to a permanent or fixed term tenancy. They can be applied universally to all public housing tenants or selectively according to specific criteria, usually relating to rent arrears or demanding behaviour.

- **Written Agreements**

Good Behaviour Agreements or Acceptable Behaviour Contracts have become a common response to demanding behaviour in the UK and have been introduced in Australia in recent years. Tenants provide, sometimes with the involvement of the Police, written consent to behavioural change which, if not adhered to, will lead to eviction proceedings. Breaches of these agreements can also be tendered as evidence to support eviction proceedings.

- **Anti-Social Behaviour Orders (ASBOs)**

Anti-Social Behaviour Orders are civil orders designed to reduce crime and neighbourhood disturbances by imposing penalties on individuals if they continue to engage in disruptive and/or criminal behaviour. This includes harassment, abusive behaviour and vandalism. Breach of an ASBO can result in criminal proceedings and imprisonment. In the housing sector failure to comply with the order leads to evictions, regardless of whether the subject of the order is the leaseholder of the property in which he or she resides. They are in use in the UK but not in Australia.

### *SHA Responses to Demanding Behaviour*

While disciplinary approaches have been widely used in the UK it is only in recent years that they have begun to be widely employed in Australia. All States and Territories now have Residential Tenancy legislation which includes nuisance behaviour as grounds for the termination of public housing tenancies.

### *New South Wales*

Renewable Leases: Fixed term leases of 2, 5 or 10 years are offered to most public housing tenants. Six month leases are offered to clients whose former tenancy with the Department was classified as unsatisfactory or less than satisfactory.

Anti-Social Behaviour Policy: which includes the use of Acceptable Behaviour Agreements in public housing tenancies.

'Rights, Respect and Responsibility': This is one of the five areas of activity in the current State Government Plan.

### *Northern Territory*

Introductory Tenancies: Three-month leases for new tenants with a history of eviction or anti-social behaviour, otherwise new tenants are placed on a six month lease which is then rolled over into a continuing lease.

Anti-Social Behaviour Policy: The Anti-social Behaviour (Miscellaneous Amendments) Act provides a number of strategies to assist in dealing with anti-social behaviour.

- Acceptable Behaviour Agreements for public housing tenants who engage in anti-social behaviour
- People affected by anti-social behaviour can make an application to the Court for eviction of tenants for unacceptable behaviour
- A range of measures to deal with alcohol dependence including the establishment of an Alcohol Court, the use of alcohol intervention and prohibition orders.
- The declaration of designated private areas as 'restricted' or 'dry' by the Licensing Commission

#### *South Australia*

Disruptive Behaviour Strategy: This outlines the approach that will be taken to public housing tenants, and their visitors, who engage in disruptive behaviour. Key features include:

- The formation of a specialist 'Disruptive Response Team' that will manage tenants with significant disruptive behaviour
- The use of Acceptable Behaviour Contracts to form part of the tenant's Conditions of Tenancy
- A 12-month probationary lease for all new tenants, with a review period of six months
- Additional mechanisms for non-renewal of tenancies where there has been significant disruption
- A range of agreements with support agencies to engage with tenants and reduce disruptive events, including MOUs with Mental Health (the Department of Health) and SA Police

#### *Tasmania*

Introductory Tenancies: Three month introductory leases apply to all new tenants. For tenants with a history of rent arrears or other tenancy breaches, this may be increased to six months, before being rolled over to a continuous lease.

#### *Western Australia*

Good Neighbour Policy: This includes the requirement that all new tenants sign an acceptable behaviour agreement. Fixed term tenancies may be applied in cases of anti-social behaviour.

The WA Office of Crime Prevention is also investigating a policy response to anti-social behaviour which includes the use of ASBOs.

Failed tenancies are expensive and time consuming for SHAs, involving:

- Documentation to support the eviction
- Legal fees
- Court attendance
- Unrecovered rent arrears
- Property refurbishment
- Higher occupancy rates

High eviction rates also contribute to the stigmatisation of public housing, increasing public perceptions of its status as ‘housing of last resort’.

There are also broader costs to the public purse. Eviction contributes to ‘churn’ within the system as the costs of housing and support are transferred from one section, such as homelessness and mental health, to another.

These costs include:

- Immediate costs of provision of crisis and transitional accommodation within the SAAP system
- Increased demand for services such as health, mental health, drug and alcohol, child and family services
- Increased criminal justice costs
- Lost productivity
- Costs of exclusion from education, employment and training
- Long-term costs associated with inter-generational disadvantage (Pinkey and Ewing 2006).

A successful tenancy, on the other hand, contributes to a stable neighbourhood and increases neighbourhood social capital. Assisting tenants to establish a stable home and to feel a sense of identity and pride in the area has broader implications than merely providing a roof over their head.

### *Supportive Responses*

Supportive responses to demanding behaviour offer an alternative strategy for SHAs and there are a number of programs and initiatives which employ these. Unlike the former, they fit within a sustaining tenancies approach. Supportive strategies involve a holistic approach to demanding behaviour. They locate the individual in their social context, recognise that difficult behaviours often derive from difficult circumstances and employ supportive interventions to break this link. They expect the individual to take responsibility for their behaviour on the basis that they will be supported to change it. They attempt to reduce the environmental factors that may influence demanding behaviour and promote activities designed to strengthen community resources. There is increasing recognition, both within Australia and overseas, that these represent a positive, and in the long term, more effective way of dealing with demanding behaviour than the threat of eviction.

The key principles involved in supportive strategies are:

Prevention through:

- Appropriate design and construction
- Sensitive allocations
- Community education
- Good Neighbour policies

Early intervention through:

- A regular and frequent maintenance program
- Early response to complaints
- Early warning systems

Support through:

- Provision of information to tenants and local communities
- Referral
- Specialist services
- Partnerships with other services

Negotiation through:

- Mediation services for tenants involved in a dispute
- Encouraging self-help amongst tenants

Training staff to:

- Understand the relationship between eviction and homelessness
- Understand the consequences of homelessness
- Develop the values, skills and knowledge to work with tenants to sustain their tenancies successfully
- Keep safe

#### *A Sustaining Tenancies Approach: Good Policies*

Good practice involves recognising that sustaining tenancies is part of the core business of the agency. At the organisational level it means ensuring the agency is appropriately located with agencies such as Health, Family and Community Services. It means encouraging organisational learning and providing for appropriate staff training which encourage qualities of empathy and compassion amongst staff. It means embracing a supportive practice model which is flexible, tenant centred and culturally sensitive. It should employ strategies for social inclusion including promoting:

- holistic solutions involving formal and informal multi-agency partnerships
- tenant and community participation
- tolerance and support within the community

A comprehensive information systems is important, with clear guidelines for staff on how to work within the requirements of privacy legislation. Ideally this should include a dedicated system for recording and tracking complaints. In the UK some authorities also maintain a database of tenants with high and complex needs to assist in prevention and early intervention.

#### *Low Resource Responses*

While some strategies for sustaining tenancies involve significant investment in establishing housing stability, much can be done within existing resources.

- Flexible policies which account for cultural difference eg timeframes for acceptance of an offer
  - Anonymised case notes
  - Information sheets to local schools
  - Information brochures in clear, simple language
  - Promotion of self-help
  - Early identification of risk
- Once housed early warning systems mechanisms can help prevent problems becoming resource intensive and difficult to manage. This can involve

resource-neutral mechanisms such as providing avenues for maintenance staff to report potential problems to more costly but effective measures such as providing on-site offices in areas of high density public housing.

- Sensitive allocations  
Sensitive allocations, for example, can do much to prevent failed tenancies. This means recognising that 'top of the list' is not always appropriate and that maximising tenant participation in their homes increases housing stability. In the UK 'choice-based lettings' which employ the strategies of the private rental market have been evaluated as effective. The allocations interview should also be used to assess for risk of tenancy failure and level of support need and, where necessary, a support plan put in place.
- Rewarding change  
Positive strategies for managing demanding tenancies can be as simple as sending tenants a 'thank you' letter for their response to a problem or providing them with a new fitting to investing in programs such as the Gold Service scheme used by some landlords in the UK which mirror Reward programs in their recognition of 'good' tenants.
- Employing Indigenous workers
- Some partnerships, eg Housing SA and SAPOL

And if the decision to proceed to eviction is made the SHA can minimise the fall-out by ensuring that:

- the tenant is given fair warning and understands that the threat of eviction is real
- they are advised how to avoid this including any available supports
- relevant external services or agencies are advise, especially if children are involved
- they are informed of future eligibility requirements for rehousing by the SHA

### **Some Best Practice Examples**

*Families Project, Dundee City Council, Scotland*

Nationwide strategy in the UK to combat anti-social behaviour together with local initiatives to provide housing and support to families with high and complex needs. The success of the project has led to Government support of fifty projects across the UK. The evaluation of the Dundee project found that a success rate of eight out of ten was achieved.

#### **Objectives**

- To break the cycle of poor behaviour and homelessness through the provision of intense supervision and support
- To bring families back into mainstream housing
- To help children and young people who are perceived to be out of control
- To provide an alternative solution where other ASB interventions have failed

#### **Strategy**

Intensive support and supervision is provided in some or all of the following settings:

- A core, small residential unit managed by the project. This provides for a small number of families who are provided with intense, highly structured supervision and support until specific goals are met.



- Dispersed accommodation which supports families in tenancies managed by the project.
- Outreach support to help families address behavioural and other problems in order to maintain their existing accommodation.
- Support and housing management are separated either through an independent support service or through an incorporated section of the SHA.

The model is flexible and can be adapted to rural and urban settings and families from a wide range of different cultural and ethnic backgrounds.

Referrals are accepted from a wide range of services.

Families tend to:

- Be large, comprising three or more children with a high risk of being taken into care
- have multiple support needs which have often been inadequately addressed
- have a history of homelessness and chaotic and dysfunctional lifestyles
- have a history of both low and high ASB, including criminal behaviour
- For outreach work the optimum point of referral was prior to the commencement of legal enforcement action but for core and dispersed units it may be later.
- Multi-disciplinary teams working under the guidance of shared principles.
- Support plans are tailored to the specific circumstances of individual family members and include life skills programs.
- A narrative model is used to encourage people to address issues relating to active citizenship.

#### Benefits

- A cost-effective way of reintegrating families into the community; it avoids the cost of eviction, homelessness and care resources for children.
- The development of effective inter-agency partnership at both strategic and casework levels.
- The creation of systematic and intensive forms of support for families.
- The delivery of specific service interventions tailored to the needs of individual families.
- The independent nature of the agency managing the project and providing the services.

#### Resources

The projects offer excellent value for money as they have the potential to reduce considerably the short-term and long-term costs of many agencies including those providing services relating to housing, criminal justice, policing, education and health. They also deliver intangible benefits to the families and to society.

#### Ingredients for Success

- High degree of trust and co-operation amongst key stakeholders.
- Well-managed program.
- Separation of housing and support.
- Multi-disciplinary and multi-agency focus embedded with local ASB partnerships
- Provision of intensive interventions sustained over a considerable length of time with outreach support often required for 6+ months and residential support for one to two years.

- The ability of project workers to challenge individual family members based on the professional values of listening, being non-judgemental, promoting well-being and establishing relationships of trust.

#### *Intensive Tenancy Management Program, South Moree, NSW*

South Moree is a town in Northern NSW with sharp social divisions between rich and poor. There is a large Indigenous population in the town and surrounding districts. On the edge of the town a large public housing estate borders private developments. Five years ago the estate had a poor reputation and no one wanted to live there. Some NSW Department of Housing dwellings sold for as low as \$5000. Vacancy rates and rent arrears were high, neighbourhood crime was rising and there were high levels of child protection referrals, domestic violence and other social issues. The properties on the estate appeared uncared for. The NSW Department of Housing introduced an Intensive Tenancy Management Program with the objective of improving tenancy management performance by concentrating time and resources on areas with high levels of tenancy problems including rent arrears, rejections and nuisance and annoyance problems. An Intensive Tenancy Management office was located at Moree and targets were established for the key areas. The Intensive Tenancy Management Team consisted of a team leader, a Senior Client Service Officer, an Aboriginal Trainee Client Service Officer, a part-time Senior Client Service Officer responsible for asset management and a Senior Client Officer responsible for working with tenants with complex issues and for community development.

Funding was provided from a combination of sources including the Intensive Management Program. Recruiting the 'right people' was regarded as critical. The Intensive Tenancy Management Plan had four components: tenancy management, asset management, community development and social support. Tenants most at risk of losing their homes were supported by regular visits, a rent arrears reduction plan, property care improvements and repairs and securing support from other agencies. Properties that were not up to Departmental standards were slowly improved. Community development included simple work such as improving fences and a garden competition as well as working with the Council to improve facilities and promoting resident participation. Links were also made with other State government projects such as the early childhood intervention project, Families First Service Network.

There have been many gains. Rent arrears have reduced dramatically from 47% in 2001 to 28.7% of tenancies in arrears in 2003. The level of vandalism has reduced dramatically as have incidents of nuisance and annoyance. The infrastructure of the area is also beginning to be upgraded.

*J.Ferguson (2006) 'Intensive Tenancy Management in South Moree', Housing Works, 4(2), pp. 15-18.*

#### *Housing Support Co-ordinator (HSC), Housing SA* Context

HSC's were introduced in 2000 as one of the recommendations from the Successful Tenancies Demonstration Projects. The aim of this project was to explore innovative ways of improving successful tenancy rates within the public housing system.

#### Objectives

Improved positive tenancy outcomes for tenants with complex needs.

#### Strategy

- This specialist position facilitates and co-ordinates support services for tenants with complex needs in private or public housing who are at risk of eviction.
- The Housing Support Co-ordinator works closely with government and NGOs and provides assistance to staff managing difficult and complex tenancies.
- They are also responsible for identifying gaps in service provision.
- The HSCs provide support and information to housing advisers and managers to assist in the management of tenants with complex and more demanding needs.
- They offer specialised services to a range of such as the Catherine House Mental Health Program, the Supported Tenancy program for clients at risk of eviction, and the Street to Home service.
- They liaise daily with all the agencies in the CBD dealing with the homeless and interview tenants or applicants with more complex needs.
- They monitor and document all short-term lease tenancies and ensure that they are well supported to maximise opportunities for success.

#### Resources

With the exception of the Adelaide area office where there are two HSCs covering client services and tenancy support services, each region has one HSC position.

#### Benefits

- Reduction of failed tenancies.
- Provides a 'rapid response' service to disruptive tenants.
- Facilitates and co-ordinates inter-agency collaboration.
- Brokerage and co-ordination of a wide range of community services.
- Case consultation, advice and specialist assistance is available to other regional staff in respect of the assessment.
- Management of complex cases.
- Facilitates helpful feedback from other service and agencies on the appropriateness and effectiveness of SHA services.
- Enhanced expertise for tenants with severe/multiple support and housing needs that may jeopardise their current or future tenancies.'

See Baulderstone, J. & Beer, A. 2003 Evaluation of Successful Tenancies Demonstration Projects and Initiatives, South Australian Housing Trust, Adelaide

#### Ingredients for Success

- Knowledgeable and experienced staff.
- Low staff turnover helps to ensure continuity of service and sustained development of rapport and trust with tenants and other agencies.
- An experienced in-house case worker resource with responsibility for facilitation of case management, case consultancy.
- Early intervention.
- Case conferencing with inter-agency organisations.
- Client database which enables monitoring of past behaviours and evaluation of risk.
- Close knowledge of, and links with, government and non-government services.
- Identification of gaps in service delivery.

- Effective, targeted networking and liaising with other agencies and services.

*Larrakia intervention and transport service, Larrakia Nation, Darwin, NT*

Context

One of the most common reasons for tenancy failure amongst Indigenous populations is overcrowding as a result of visitors who stay for prolonged periods. One of the reasons for their prolonged stay is because they lack the resources to return home. Visitors may also threaten the tenancy because of behavioural problems. The Larrakia Intervention and Transport Service developed out of the Community Day Patrols provided by the Community Harmony Program.

Objectives

Transport services provided to clients to enable them to return home to country.

Strategies

Provision of financial support to enable rural visitors to return home.

Benefits

Reduction of overcrowding in rented accommodation and of neighbour complaints

Resources

Funding for transport and worker time

Ingredients for Success

- Indigenous service provider
- Local knowledge of networks and relationships
- Partnerships with other services including Police and NT Housing

*Conclusion*

- The public housing sector is in a unique position to break the cycle of homelessness by integrating a sustaining tenancies approach into routine housing management practice
- A sustaining tenancies approach is also sound housing management since improved housing stability reduces the social and financial costs associated with failed tenancies

## Key Terms

Although this study has considerable overlap with research on anti-social behaviour, we deliberately chose the term ‘demanding behaviour’ in order to delineate the ‘soft end’ of anti-social behaviour since eviction is only likely to proceed if the behaviour is persistent and/or rent arrears are involved. It is at this end of the continuum that a sustaining tenancies approach is of greatest relevance to SHAs.

The term ‘sustaining tenancies’ refers broadly to housing management policies and practices designed to assist social housing tenants to manage their tenancy successfully and to achieve improvements in their lives.<sup>1</sup>

More narrowly, it refers to assisting vulnerable tenants to avoid tenancy failure through eviction or exit under duress. The study was primarily concerned with the latter but it sits within the overall philosophy of the broader definition.

## Models of Tenancy Support

Models of tenancy support differ according to:

- Housing provision (public, community or private rental)
- Housing management (public, community or private rental); sub-divisions include housing maintenance and rent collection
- Tenancy support (public or community)
- Other service involvement (health, drug and alcohol, disability, employment, etc.)
- Intensity of support
- Target group

Whatever the model, good practice in sustaining tenancies requires the separation of housing and support services because of the potential conflict between the managerial and supportive roles.

Models of tenancy support can be identified as:

*The In-Service Model:* The SHA provides housing, tenancy management and support through the establishment of specialist positions or divisions.

*The External Provider Model:* The SHA provides housing and tenancy management services and the external organisation provides support.

*The Direct Tenancies Model:* The SHA provides the external organization with properties but retains tenancy management responsibility, while the external organisation provides support.

*The Community Tenancies Model:* Housing is provided by the SHA to a community organisation in a head lease arrangement and the community organisation provides both tenancy management and tenancy support services.

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<sup>1</sup> Tim Seelig and Andrew Jones provide a useful discussion of the different meanings of the term ‘sustaining tenancies’ in T. Seelig and A. Jones (2006) Sustaining tenancies: Definitions, directions and debates, *Housing Works*, Special Issue: Sustaining Tenancies, 4(2), 2–8.

*The Floating Support Model* in which the SHA assists eligible applicants for public housing to find and/or sustain their tenancy in the private sector.

*The Multi-agency Partnerships Model* involve three or more service partners who together provide a combination of housing, support and other services, such as health. In these arrangements either the SHA or the external service provider provides tenancy management services.

Ideally each region would aim to develop an integrated approach which matches the profile of the area with the range of services available.